

judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal, and that the costs of the proceedings should be paid by said claimant.

B. T. GALLOWAY, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., May 6, 1914.

3149. Adulteration and alleged adulteration of tomato pulp. U. S. v. 400 and 1,000 Cases of Tomato Pulp. Consent decree of condemnation, forfeiture, and destruction as to the 400 cases. Libel dismissed as to the 1,000 cases. (F. & D. No. 5288. S. No. 1878.)

On July 30, 1913, the United States Attorney for the Southern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district libels for the seizure and condemnation of 400 cases and 1,000 cases, each containing 48 cans of tomato pulp, remaining unsold in the original unbroken packages in possession of A. Janszen & Co., Cincinnati, Ohio, alleging that the product had been transported in interstate commerce from the State of Maryland into the State of Ohio, and charging adulteration in violation of the Food and Drugs Act. The 400 cases were labeled: "4 Doz. No. 1 Victory Strained Tomato Trimmings and Tomato Pulp—Packed by John Boyle Co., Baltimore, Md.—A. J. Cin., O." The cans in these cases were labeled: "Victory Brand Strained Tomato Trimmings and Tomato Pulp—For Soup—Packed by The John Boyle Co., at Baltimore, Md." The 1,000 cases were labeled: "4 Doz. No. 1 Yale Brand Strained Tomato Trimmings and Tomato Pulp—Packed by The John Boyle Co., A. J. Cin., O." The cans in the 1,000 cases were labeled: "Yale Brand Strained Tomato Trimmings and Tomato Pulp—For Soup—Guaranteed by The John Boyle Co., under the Food and Drugs Act June 30, 1906, Serial No. 4378.—The John Boyle Co., Baltimore, Md., Distributors."

Adulteration of the product was alleged in the libels for the reason that said article of food contained and consisted of a filthy and decomposed vegetable substance.

On November 15, 1913, the case against the 1,000 cases having come on for hearing, upon motion of the United States attorney the case was dismissed and it was ordered by the court that the product should be redelivered to the claimant thereof, the John Boyle Co., Baltimore, Md.

On November 26, 1913, the said John Boyle Co., claimant for the 400 cases of pulp, having filed its answer admitting the facts set forth in the libel and consenting to a decree, judgment of condemnation and forfeiture as to the 400 cases was entered, and it was ordered by the court that the product should be destroyed by the United States marshal and that the costs of the proceeding should be paid by said claimant.

B. T. GALLOWAY, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., May 6, 1914.

3150. Adulteration of hog casings. U. S. v. 8 Tierces of Hog Casings. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 5290. S. No. 1879.)

On July 29, 1913, the United States Attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 8 tierces of hog casings, remaining unsold in the original packages and in possession of Berth-Levi Co., Chicago, Ill., alleging that the product had been shipped on July 21, 1913, by the Rath Packing Co., Waterloo, Iowa, and transported from the State of Iowa into the State of Illinois, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the product was alleged in the libel for the reason that it consisted wholly or in part of a filthy, decomposed, and putrid animal substance, and for the further reason that it consisted wholly or in part of a portion of an animal unfit for food.

On September 6, 1913, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that product should be destroyed by the United States marshal.

B. T. GALLOWAY, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., May 6, 1914.

3151. Adulteration of shell eggs. U. S. v. 12 Tubs of Shell Eggs. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 5291. S. No. 1880.)

On July 31, 1913, the United States Attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel, and, on August 5, 1913, an amended libel, for the seizure and condemnation of 12 tubs of shell eggs, remaining unsold in the original packages and in possession of the Western Egg Yolk Co., Jersey City, N. J., alleging that the product had been shipped on or about July 28, 1913, by the Western Egg Yolk Co., doing business in New York, N. Y., and transported from the State of New York into the State of New Jersey, and charging adulteration in violation of the Food and Drugs Act. The product was unlabeled.

Adulteration of the product was alleged in the libel for the reason that the eggs were filthy, decomposed, or putrid.

On August 19, 1913, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered and it was ordered by the court that the product should be destroyed by the United States marshal.

B. T. GALLOWAY, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., May 6, 1914.

3152. Adulteration of tomato pulp. U. S. v. 912 Cases of Tomato Pulp. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 5292. S. No. 1883.)

On August 2, 1913, the United States Attorney for the Southern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 912 cases of tomato pulp in cans varying in size from 5 to 6 gallons, remaining unsold in the original unbroken packages and in possession of the Cincinnati Storage & Warehouse Co., as bailee of the Jersey Packing Co., the owner of the product, Cincinnati, Ohio, alleging that the product had been transported in interstate commerce from the State of Delaware into the State of Ohio, and charging adulteration in violation of the Food and Drugs Act. The product bore no label. Adulteration of the product was alleged in the libel for the reason that it contained and consisted of a filthy and decomposed vegetable substance.

On November 15, 1913, no claimant having appeared for the property, an order pro confesso was entered.

On January 10, 1914, the case having come on for final hearing, upon motion of the United States attorney for judgment, and upon the testimony of witnesses offered ex parte on behalf of libelant to sustain the allegations of the libel, judgment of condemnation and forfeiture was entered and it was ordered by the court that the product should be destroyed by the United States marshal.

B. T. GALLOWAY, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., May 6, 1914.